

REMARKS

Claims 1-33 are pending, of which claims 1, 10, 16, and 25 are independent claims.

The Office Action rejected claims 1, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 29, 32, 33 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Specifically, the Office Action asserts insufficient antecedent basis for various claim terms. Although Applicants do not necessarily concur with these assertions, as indicated above, Applicants have amended each of these claims to address the concerns raised in the Office Action in order to expedite allowance. Applicants note for the record that none of the amendments submitted in this paper narrow the scope of the respective claims.

The Office Action rejected claims 1-4, 6-9, 10-13, 15-20, 22-28, and 30-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,745,024 to DeJaco et al. ("*DeJaco*"), and rejected claims 5, 14, 21, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *DeJaco* in view of U.S. Publication No. 2002/0054750 by Ficco et al. ("*Ficco*").

Applicants filed this application on January 31, 2001 and claim priority to U.S. Provisional Application No. 60/239,367 entitled "INSERT VOICE ATTACHMENT IN A MAIL MESSAGE ON A MOBILE DEVICE" filed on October 11, 2000. *DeJaco* was filed on January 10, 2000 and issued on June 1, 2004, and therefore qualifies as prior art, if at all, under 35 U.S.C. § 102(e). With this response, Applicants have submitted a Declaration under 37 C.F.R. § 1.131 establishing Applicants' reduction to practice at least as early as January 9, 2000, which is prior to the January 10, 2000 effective date of the *DeJaco* reference. See MPEP § 715.

Accordingly, Applicants respectfully submit that the rejections of record have been overcome and are now moot. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 29th day of December, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath". The signature is fluid and cursive, with a long horizontal stroke at the end.

RICK D. NYDEGGER
Registration No. 28,651
ERIC M. KAMERATH
Registration No. 46,081
Attorneys for Applicant
Customer No. 022913

EMK:kc
KC0000002899V001.DOC